GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA

UNSTARRED QUESTION NO:1751
ANSWERED ON:25.11.2016
Legislation to Control and Regulate the Hospitals
Premachandran Shri N.K.;Sonker Smt. Neelam

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the Government proposes a legislation for specific treatment protocol to be followed by the hospitals;

(b) if so, the details thereof;

(c) whether the Government has taken action against the doctors prescribing unnecessary diagnostic tests and medicine; and

(d) whether the Government proposes to prohibit the sale of substandard medicines in the market and if so, the details thereof?

Answer

ANSWER
THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND
FAMILY WELFARE
(SMT. ANUPRIYA PATEL)
(a): Health is a State subject. No new central Law is proposed to be enacted to lay down specific treatment protocols. The Clinical Establishments (Registration and Regulation) Act, 2010 and the Clinical Establishments (Central Government) Rules, 2012 inter alia provide that for registration and continuation of the clinical establishments (in the States/UTs where the Clinical Establishments Act, 2010 is applicable), the clinical establishments are required to ensure compliance to Standard Treatment Guidelines (STGs) determined by the Central Government or State Government from time to time. So far, STGs for 215 medical conditions belonging to 21 clinical specialities/super-specialities of modern system of medicine and Ayurvedic STGs for 18 medical conditions have been prepared and are available on the website viz., www.clinicalestablishments.nic.in . Currently, the Act is applicable in the States of Sikkim, Mizoram, Arunachal Pradesh, Himachal Pradesh, U.P, Bihar, Jharkhand, Rajasthan, Uttarakhand and Assam and all Union Territories except Delhi.

(b): Does not arise.

(c): Health is a State subject. Therefore, the respective State Government/UT administration and/or regulatory councils such as State Medical Councils, etc. can only take action to prevent and control such practices.

(d): The Drugs that do not meet the standards are not permitted to be sold in the market in terms of the provisions of Drugs and Cosmetic Act, 1940 and stringent action is taken against any compromise in the quality of drugs manufactured or sold in the country.